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Illegal Israeli actions in Occupied East Jerusalem and the rest of the Occupied Palestinian Territory

Security Council
Sixty-seventh year

Identical letters dated 25 April 2012 from the Permanent Observer of Palestine to the United Nations addressed to the Secretary-General and the President of the Security Council

Israel, the occupying Power, continues its illegal schemes and actions in the Occupied Palestinian Territory, including East Jerusalem, particularly those aimed at entrenching its massive network of illegal settlements and so-called settlement "outposts" in the Territory that it has belligerently occupied since 1967.

The intensified construction of all such Israeli settlement activities on occupied Palestinian land is glaring proof of the unlawful, expansionist aims of the occupying Power and belies all claims regarding acceptance of the two-State solution on the basis of the pre-1967 borders. In particular, the Israeli Government's actions directly contradict and belie Prime Minister Netanyahu's own declaration in his June 2009 "Bar Ilan" speech that "We have no intention to build new settlements or set aside land for new settlements." The reality on the ground speaks much louder than such rhetoric and propaganda by the occupying Power.

Ironically, illegal settlement activities were even being undertaken at the very same time that Member States were addressing the Security Council and reaffirming the illegality of Israel's settlement campaign and the demands for a complete cessation of all settlement activities in the Occupied Palestinian Territory, including East Jerusalem. Indeed, on 23 April, simultaneously with the Council debate in which Palestine again confirmed its commitment to peace and negotiations for achieving the two-State solution, the occupying Power was instead engaged in deceitful efforts aimed at entrenching three illegal settlement outposts on occupied Palestinian land.

Such duplicitous efforts, spearheaded by the Israeli Prime Minister himself, involved the "granting of formal status" by a ministerial committee to the settlement outposts of "Bruchin" and "Rechelim", and "Sansana" in the northern Occupied West Bank. A statement issued by the Prime Minister's office announced: "The panel decided to formalize the status of the three communities ... which were established in the 1990s following the decisions of past Governments."

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In this regard, Palestine wishes to recall the following:

1. All Israeli settlements established in the Occupied Palestinian Territory, including East Jerusalem, are illegal under international law. Regardless of whether they are called "settlements", "outposts" or "communities", article 49 (6) of the Fourth Geneva Convention explicitly prohibits the transfer by the occupying Power of its own civilians into the territory that it occupies. Moreover, Israel's deliberate and systematic colonization of the Occupied Palestinian Territory, including East Jerusalem, constitutes a war crime under the Rome Statute of the International Criminal Court.

2. The illegality of all Israeli settlement activities in the Occupied Palestinian Territory, including East Jerusalem, has been repeatedly declared so by, inter alia, the Security Council, the General Assembly, the Human Rights Council and the Economic and Social Council in countless resolutions and by the International Court of Justice in its advisory opinion of July 2004. Those resolutions remain wholly valid, as does the Court's advisory opinion, and we continue to call for their full respect and implementation.

3. The Quartet Roadmap, endorsed by the Security Council in its resolution 1515 (2003), specifically calls on Israel to freeze all of its settlement activities, including so-called "natural growth", and to dismantle all settlement outposts erected since March 2001. This call for a freeze of Israeli settlement activities has been made repeatedly by the Quartet members, collectively and individually. And yet, Israel, the occupying Power, continues to maliciously and directly ignore and violate this international obligation and commitment.

4. In accordance with the provisions of international humanitarian law, particularly the Fourth Geneva Convention, as well as with the provisions of relevant United Nations resolutions and the Roadmap, the cessation of all Israeli settlement activities in the Occupied Palestinian Territory, including East Jerusalem, is thus a legal obligation incumbent upon Israel, the occupying Power, and not in any way a so-called "precondition" or compromise to be met by Israel. The law cannot continue to be selectively applied in this case. Israel's continued breaching of the law is not only gravely threatening the attainability and viability of the two-State solution based on the pre-1967 borders, but also destroying the rule of law and the credibility of the international system, including the Security Council, in upholding that law.

The international consensus stands that Israel's illegal settlement activities constitute the main obstacle to peace. The expansion of settlements, the entrenchment of outposts, the construction of the Wall, the confiscation of Palestinian land, the displacement of Palestinian civilians — including 67 refugees, more than half of them children, in this past week alone — and the provision of unconditional support to Israeli settlers, who continue to steal Palestinian land and property and to terrorize the Palestinian people, are hardly hallmarks of a Government committed to securing a just and lasting peace and to the two-State solution as the means for achieving it. Instead, they call into serious question the veracity of Israeli claims regarding the peace process and its eligibility as a partner for peace.

We call on the Security Council to act immediately to address these continuing illegal, grave actions by Israel, the occupying Power, in the Occupied Palestinian

Territory, including East Jerusalem. Israel's illegal settlement campaign is destroying the contiguity, integrity and viability of the Palestinian Territory and physically destroying, inch by inch, the attainability of the two-State solution on the basis of the pre-1967 borders. It is incumbent upon the international community to uphold the law and salvage the prospects for achieving a just and sustainable peace on the basis of the relevant United Nations resolutions, the Madrid principles, the Arab Peace Initiative and the Quartet Roadmap. The window of opportunity is rapidly closing, requiring resolute and urgent action.

This letter is in follow-up to our previous 424 letters regarding the ongoing crisis in the Occupied Palestinian Territory, including East Jerusalem, since 28 September 2000. These letters, dated from 29 September 2000 (A/55/432-S/2000/921) to 20 April 2012 (A/ES-10/552-S/2012/248), constitute a basic record of the crimes being committed by Israel, the occupying Power, against the Palestinian people since September 2000. For all of these war crimes, acts of State terrorism and systematic human rights violations committed against the Palestinian people, Israel, the occupying Power, must be held accountable and the perpetrators must be brought to justice.

I should be grateful if you would arrange to have the text of the present letter distributed as a document of the tenth emergency special session of the General Assembly, under agenda item 5, and of the Security Council.

(*Signed*) Riyad **Mansour**
Ambassador
Permanent Observer of Palestine to the United Nations